

111TH CONGRESS
1ST SESSION

S. 2879

To direct the Federal Communications Commission to conduct a pilot program expanding the Lifeline Program to include broadband service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2009

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Ms. SNOWE, Mr. PRYOR, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Federal Communications Commission to conduct a pilot program expanding the Lifeline Program to include broadband service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Broadband Oppor-
5 tunity and Affordability Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) The adoption of broadband service results
 2 in enhanced economic development and public safety
 3 for communities across the Nation, improved health
 4 care and educational opportunities, and a better
 5 quality of life for all Americans.

6 (2) Continued progress in the adoption of
 7 broadband service is vital to ensuring that the
 8 United States remains competitive and continues to
 9 create business opportunities and job growth.

10 (3) The price of broadband service is a barrier
 11 to adoption for low-income households and can be an
 12 impediment to full participation in the emerging
 13 broadband economy.

14 **SEC. 3. PILOT PROGRAM TO EXPAND LIFELINE PROGRAM**
 15 **TO INCLUDE BROADBAND SERVICE.**

16 Section 254(j) of the Communications Act of 1934
 17 (47 U.S.C. 254(j)) is amended to read as follows:

18 “(j) LIFELINE ASSISTANCE.—

19 “(1) IMPACT OF SECTION ON LIFELINE ASSIST-
 20 ANCE PROGRAM.—Except as provided in paragraph
 21 (2), nothing in this section shall affect the collection,
 22 distribution, or administration of the Lifeline pro-
 23 gram.

24 “(2) PILOT PROGRAM TO EXPAND LIFELINE
 25 PROGRAM TO INCLUDE BROADBAND SERVICE.—As

1 soon as practicable after the date of enactment of
2 the Broadband Opportunity and Affordability Act,
3 the Commission shall implement a 2-year pilot pro-
4 gram to expand the Lifeline program to reduce the
5 cost of broadband service for low-income consumers
6 that will—

7 “(A) apply to such broadband service as
8 the Commission may determine to be appro-
9 priate for purposes of the pilot program;

10 “(B) provide such levels of support as the
11 Commission may determine to be appropriate
12 for such purposes;

13 “(C) be available to such consumers as the
14 Commission may determine to be appropriate
15 for such purposes under such eligibility criteria
16 as the Commission may determine to be appro-
17 priate for such purposes; and

18 “(D) reimburse broadband service pro-
19 viders for each customer served, subject to prior
20 authorization from the Commission to partici-
21 pate in the pilot program.

22 “(3) CRITERIA FOR PILOT PROGRAM.—In devel-
23 oping the pilot program required by paragraph (2),
24 the Commission shall consider—

1 “(A) whether State matching funds must
2 be provided as a condition of eligibility for low-
3 income households within a State;

4 “(B) the prevailing market rate for
5 broadband service and the prevailing speed of
6 broadband service adopted by households, using
7 information that the Commission routinely col-
8 lects or that is publicly available; and

9 “(C) how to ensure that the program is
10 neutral as to the types of technology used to
11 provide broadband service in order to promote
12 competition from broadband service providers to
13 qualify for participation in the pilot program.

14 “(4) STATUS REPORT.—After the pilot program
15 has been operational for 18 months, the Commission
16 shall submit a report to the Senate Committee on
17 Commerce, Science, and Transportation and the
18 House of Representatives Committee on Energy and
19 Commerce on the status of the pilot program.

20 “(5) LIFELINE PROGRAM DEFINED.—In this
21 subsection, the term ‘Lifeline program’ means the
22 service described in section 54.401(a) of the Com-
23 mission’s regulations (47 C.F.R. 54.401(a)).”.

1 **SEC. 4. EXPANSION OF LINK UP PROGRAM REPORT.**

2 (a) IN GENERAL.—Within 180 days after the date
3 of enactment of this Act, the Federal Communications
4 Commission shall initiate a notice of inquiry with public
5 notice and opportunity for comment, to determine—

6 (1) whether the Link Up program could be ex-
7 panded to reduce the cost of initiating broadband
8 service through providing support for computer own-
9 ership;

10 (2) what equipment would be supported by such
11 an expansion;

12 (3) how much support would be available with
13 such an expansion; and

14 (4) the eligibility criteria for consumers to qual-
15 ify for such an expansion.

16 (b) REPORT.—The Commission shall submit a report
17 to the Senate Committee on Commerce, Science, and
18 Transportation and the House of Representatives Com-
19 mittee on Energy and Commerce containing the Commis-
20 sion’s findings, conclusions, and recommendations from
21 the inquiry.

22 (c) LINK UP PROGRAM DEFINED.—In this section,
23 the term “Link Up program” means the service described
24 in section 54.411(a) of the Commission’s regulations (47
25 U.S.C. 54.411(a)).